



**COUNTY OF SAN LUIS OBISPO
DEPARTMENT OF PLANNING AND BUILDING
STAFF REPORT**

Tentative Notice of Action

Promoting the wise use of land
Helping build great communities

MEETING DATE July 15, 2005 EFFECTIVE DATE July 29, 2005	CONTACT/PHONE Stephanie Fuhs (805) 781-5721	APPLICANT Neal O'Hagan	FILE NO. DRC 2004-00085
SUBJECT Hearing to consider a request by Neal O'Hagan for a Minor Use Permit to allow modification of the limitation on the size of a secondary dwelling from 800 square feet to allow an 1,194 square foot secondary dwelling with attached 1,574 square foot garage. The Minor Use Permit is also to allow modification of the limitation on the maximum distance requirement of a secondary dwelling from a primary dwelling from 50 feet to approximately 180 feet. The proposed project is within the Residential Suburban land use category and is located at 1597 Vista Grande Lane, approximately 470 feet west of Old Oak Park Road, approximately ½ mile north of the City of Arroyo Grande, in the San Luis Bay (Inland) planning area.			
RECOMMENDED ACTION Approve Minor Use Permit DRC 2004-00085 based on the findings listed in Exhibit A and the conditions listed in Exhibit B			
ENVIRONMENTAL DETERMINATION A Class Three Categorical Exemption was issued on May 31, 2005 (ED 04-535).			
LAND USE CATEGORY Residential Suburban	COMBINING DESIGNATION None	ASSESSOR PARCEL NUMBER 044,353,020	SUPERVISOR DISTRICT(S) 4
PLANNING AREA STANDARDS: <i>Does the project meet applicable Planning Area Standards:</i> Not applicable			
LAND USE ORDINANCE STANDARDS: 22.10.090 – Height Measurement, 22.10.140 – Setbacks, 22.30.470 – Residential- Secondary Dwellings <i>Does the project conform to the Land Use Ordinance Standards:</i> Yes - see discussion			
FINAL ACTION This tentative decision will become final action on the project, effective on the 15 th day following the administrative hearing, or on July 29, 2005, if no hearing was requested unless this decision is changed as a result of information obtained at the hearing or is appealed.			
EXISTING USES: Single family residence			
SURROUNDING LAND USE CATEGORIES AND USES: <i>North:</i> Residential Suburban/Residences <i>East:</i> Residential Suburban/Residences <i>South:</i> Residential Suburban/Residences <i>West:</i> Residential Suburban/Residences			
OTHER AGENCY / ADVISORY GROUP INVOLVEMENT: The project was referred to: Public Works, CDF, City of Arroyo Grande			
TOPOGRAPHY: Gently to steeply sloping		VEGETATION: Grasses, forbs, ornamental landscaping	
PROPOSED SERVICES: Water supply: On-site well Sewage Disposal: Individual septic system Fire Protection: CDF		ACCEPTANCE DATE: May 6, 2005	
ADDITIONAL INFORMATION MAY BE OBTAINED BY CONTACTING THE DEPARTMENT OF PLANNING & BUILDING AT: COUNTY GOVERNMENT CENTER ♦ SAN LUIS OBISPO ♦ CALIFORNIA 93408 ♦ (805) 781-5600 ♦ FAX: (805) 781-1242			

DISCUSSION

LAND USE ORDINANCE STANDARDS:

22.10.090 - Height Measurements: Maximum Height for a residence is 35 feet. As proposed and conditioned, the project meets this standard.

22.10.140 - Setbacks: Setbacks for the project site are 25 feet in the front and 30 feet on the sides and rear of the property. As proposed, the project meets this standard.

22.30.470 - Secondary Dwellings: This section of the Land Use Ordinance states that on sites of less than five acres (net), the maximum square footage of the secondary dwelling is 800 square feet and that the secondary unit be located within 50 feet of the primary residence. This section also allows the Review Authority to approve exceptions to design standards to allow a secondary dwelling larger than 800 square feet (see discussion below) and to allow residences to be located farther than 50 feet from the primary residence.

STAFF COMMENTS:

Neighborhood Compatibility: The area is zoned Residential Suburban and consists of primarily of 2.5 to 5 acre parcels. There are several lots in the immediate vicinity with single family residences and secondary units. There is a wide variety of newer, large homes and older, farm house styles within 1/4 mile of the property.

Size Waiver Request: The proposed secondary dwelling is located directly behind the main residence on the property on a level portion of the project site. Increasing the square footage from 800 to 1,194 square feet will not significantly increase the amount of site disturbance and will not involve any vegetation removal. Further, drainage and sedimentation and erosion control impacts will not be increased significantly with the additional 400 square feet.

Distance Waiver Request: The project site is 4.41 acres which is only slightly less than five acres which allows a separation between the primary and secondary dwelling of 250 feet. The project proposes a 180 foot separation between the primary and secondary dwelling. The policy regarding distance waiver requests relate to vegetation removal, site disturbance and drainage and sedimentation issues. The location of the proposed secondary dwelling consists of grassland and will not require the removal of any significant vegetation. In addition, the residence is located adjacent to the existing driveway on a fairly level portion of the site which will not involve additional site disturbance or cause significant drainage issues.

POLICY ISSUES:

Staff has historically viewed secondary dwellings as a means to provide lower-income housing for family members or as rental units. When considering size waiver requests, staff conducts a site visit to evaluate any obvious environmental concerns with regard to vegetation removal and drainage. The area proposed for the secondary dwelling is on a level portion of the site that does not contain significant vegetation. With regard to drainage, Public Works reviewed the project and did not indicate any significant concerns.

AGENCY REVIEW:

Public Works – No concerns

CDF – See attached fire safety plan

City of Arroyo Grande – Requests traffic, fire impact fees

STAFF COMMENTS:

With regard to cumulative impacts on neighboring cities such as Arroyo Grande and Grover Beach, no fee schedule has been adopted by the Board of Supervisors which addresses the issue of development impacts from County projects to incorporated cities as well as city project impacts to county services. Until a fee schedule is adopted, current mutual aid practices are in place to address fire and police services, and road fees are required to provide regional traffic funding.

LEGAL LOT STATUS:

The one lot was legally created by a recorded map at a time when that was a legal method of creating lots.

Staff report prepared by Stephanie Fuhs
and reviewed by Kami Griffin, Supervising Planner

**EXHIBIT A - FINDINGS
DRC 2004-00085 (O'Hagan)**

CEQA Exemption

- A. The project qualifies for a Categorical Exemption (Class Three) pursuant to CEQA Guidelines Section 15303 because the project involves the construction of limited, small new facilities in an area that doesn't contain significant fish or wildlife habitats or sensitive vegetation.

Minor Use Permit

- B. The proposed project or use is consistent with the San Luis Obispo County General Plan because the use is an allowed use and as conditioned is consistent with all of the General Plan policies.
- C. As conditioned, the proposed project or use satisfies all applicable provisions of Title 22 of the County Code.
- D. The establishment and subsequent operation or conduct of the use will not, because of the circumstances and conditions applied in the particular case, be detrimental to the health, safety or welfare of the general public or persons residing or working in the neighborhood of the use, or be detrimental or injurious to property or improvements in the vicinity of the use because the secondary dwelling does not generate activity that presents a potential threat to the surrounding property and buildings. This project is subject to Ordinance and Building Code requirements designed to address health, safety and welfare concerns.
- E. The proposed project or use will not be inconsistent with the character of the immediate neighborhood or contrary to its orderly development because the secondary dwelling is similar to, and will not conflict with, the surrounding lands and uses.
- F. The proposed project or use will not generate a volume of traffic beyond the safe capacity of all roads providing access to the project, either existing or to be improved with the project because the project is located on Vista Grande Lane, a local road constructed to a level able to handle any additional traffic associated with the project.

Secondary Dwelling Adjustments

- G. Modification of the maximum floor area for secondary dwellings from 800 square feet to allow a secondary dwelling of 1,194 square feet is justified because there are specific conditions of the site that make the standard unnecessary. These conditions consist of level topography where the unit will be located, lack of significant vegetation and location of the secondary dwelling behind the existing residence.
- H. Modification of the distance a secondary dwelling can be located from a primary dwelling from 50 feet to allow a secondary dwelling to be located 180 feet from the primary dwelling is justified because there are specific conditions of the site that make the standard unnecessary. These conditions consist of the fact that the parcel is 4.41 acres which is close to five acres which allows a 250 foot separation between the primary and secondary dwelling. No significant vegetation or drainage swales will be impacted by the placement of the secondary dwelling further than 50 feet from the primary dwelling. No visual impacts will occur as the parcel is not visible from any public road.

**EXHIBIT B - CONDITIONS OF APPROVAL
DRC 2004-00085 (O'Hagan)**

Approved Development

1. This approval authorizes
 - a. modification of the maximum floor area for a secondary dwelling from 800 square feet to 1,194 square feet with a 1,574 square foot attached garage.
 - b. Modification of the distance a secondary dwelling can be located from a primary dwelling from 50 feet to 180 feet.
 - c. maximum height is 35 feet from average natural grade.

Conditions required to be completed at the time of application for construction permits

Site Development

2. **At the time of application for construction permits** plans submitted shall show all development consistent with the approved site plan, floor plan, and architectural elevations.
3. **At the time of application for construction permits**, the applicant shall provide details on any proposed exterior lighting, if applicable. The details shall include the height, location, and intensity of all exterior lighting. All lighting fixtures shall be shielded so that neither the lamp or the related reflector interior surface is visible from adjacent properties. Light hoods shall be dark colored.

Fire Safety

4. **At the time of application for construction permits**, all plans submitted to the Department of Planning and Building shall meet the fire and life safety requirements of the California Fire Code. Requirements shall include, but not be limited to those outlined in the Fire Safety Plan, prepared by the CDF/County Fire Department for this proposed project and dated.

Services

5. **At the time of application for construction permits**, the applicant shall submit evidence that there is adequate water to serve the proposal, on the site.
6. **At the time of application for construction permits**, the applicant shall submit evidence that a septic system, adequate to serve the proposal, can be installed on the site.

Conditions to be completed prior to issuance of a construction permit

Fees

7. **Prior to issuance of a construction permit**, the applicant shall pay all applicable school and public facilities fees.

Owner Occupancy Requirement

8. **Prior to issuance of a construction permit**, the applicant for the second unit shall record a notice against the property notifying any subsequent purchaser that failure to meet this requirement will subject the second unit to abatement by the county pursuant to Chapter 22.74 of this title. No secondary dwelling shall be allowed on the site unless an owner of the site agrees to occupy one unit on the site as his or her primary residence.

Conditions to be completed prior to occupancy or final building inspection / establishment of the use

9. **Prior to occupancy or final inspection**, which ever occurs first, the applicant shall obtain final inspection and approval from CDF of all required fire/life safety measures.
10. **Prior to occupancy of any structure associated with this approval**, the applicant shall contact the Department of Planning and Building to have the site inspected for compliance with the conditions of this approval.

On-going conditions of approval (valid for the life of the project)

11. This land use permit is valid for a period of 24 months from its effective date unless time extensions are granted pursuant to Land Use Ordinance Section 22.64.070 or the land use permit is considered vested. This land use permit is considered to be vested once a construction permit has been issued and substantial site work has been completed. Substantial site work is defined by Land Use Ordinance Section 22.64.080 as site work progressed beyond grading and completion of structural foundations; and construction is occurring above grade.
12. All conditions of this approval shall be strictly adhered to, within the time frames specified, and in an on-going manner for the life of the project. Failure to comply with these conditions of approval may result in an immediate enforcement action by the Department of Planning and Building. If it is determined that violation(s) of these conditions of approval have occurred, or are occurring, this approval may be revoked pursuant to Section 22.74.160 of the Land Use Ordinance.
13. No portion of the garage or storage area of the secondary dwelling may be converted to conditioned living space unless the Land Use Ordinance is amended to allow larger secondary dwellings in the future.



6
SAN LUIS OBISPO COUNTY
DEPARTMENT OF PLANNING AND BUILDING

VICTOR HOLANDA, AICP
DIRECTOR

THIS IS A NEW PROJECT REFERRAL

DATE:

10/18/04
PW

FROM

FROM
TO

South Co. Team
(Please direct response to the above)

OKABAN
DRC 2004-00085
Project Name and Number

Development Review Section (Phone: 781-788-2009) ()

PROJECT DESCRIPTION: 1143 SF "Granny-Unit" w/ shop /
hobby area & attached 3-car garage. Located in
Arroyo Grande off Vista Grande Lane. APM-
044-353-020 4.41 Acres

Return this letter with your comments attached no later than:

11/2/04

PART I

IS THE ATTACHED INFORMATION ADEQUATE FOR YOU TO DO YOUR REVIEW?

☒ YES
☐ NO

(Please go on to Part II)

(Call me ASAP to discuss what else you need. We have only 30 days in which we must accept the project as complete or request additional information.)

PART II

ARE THERE SIGNIFICANT CONCERNS, PROBLEMS OR IMPACTS IN YOUR AREA OF REVIEW?

☒ NO
☐ YES

(Please go on to Part III)

(Please describe impacts, along with recommended mitigation measures to reduce the impacts to less-than-significant levels, and attach to this letter.)

PART III

INDICATE YOUR RECOMMENDATION FOR FINAL ACTION. Please attach any conditions of approval you recommend to be incorporated into the project's approval, or state reasons for recommending denial. IF YOU HAVE "NO COMMENT," PLEASE INDICATE OR CALL.

IF APPROVED THEY SHOULD IMPROVE ACCESS IF NEEDED TO CHIP SEAL OR
BETTER AND GET ORGANIZED MAINTENANCE.

1143 SF? WHERE ABOUT SECOND STORY? LOOKS LIKE A MIN. OF 20 SF
UP THERE. I DON'T SEE STAIRS BUT THEY DON'T SHOW STAIRS UP FROM GARAGE LEVEL
TO FIRST FLOOR EITHER.

05 NOV 2004
Date

Goodwin
Name

5252
Phone

CC36 MAP



CDF/San Luis Obispo County Fire

Residential Fire Safety Plan

Date: November 17, 2004

Project Number(s): DRC2004-00085		Name: Neal and Ann O'Hagan	
Project Location: 1597 Vista Grande Ln.		Cross Street: Old Oak Park/Vetter	
Mailing Address: 1597 Vista Grande Ln.		City/State/Zip Arroyo Grande, CA. 93420	
Phone Number(s): (805)481-6748			
Notes: The proposed secondary residence will be required to provide a separate address. Two separate residential fire connections will be required however, a single water storage tank may be used to satisfy the water storage requirement for both structures.			

The following **checked** items are required to be completed prior to final inspection of this project. When you have completed each item checked, initial and date that they are completed. When all items checked are completed please call for a fire department final inspection, **(805)543-4244 ext. 2220**. Inspections will be completed on the following Tuesday for South County and Thursday for the North County. Please have County issued permit card on site and visible.

This project is located approximately 15 minutes from the closest CDF/San Luis Obispo County Fire Station. The project **is** located in State Responsibility Area for wildland fires. It is designated a High Fire Severity Zone. This project is required to comply with all fire safety rules and regulations including the California Fire Code, the Public Resources Code and any standards referenced therein.

The following standards are required:	Owner/Agent Initials
<input checked="" type="checkbox"/> 30-foot building setback from property line	
<input type="checkbox"/> A residential fire sprinkler system is required (NFPA 13D)	
<input checked="" type="checkbox"/> Water storage tank required that gravity feeds a residential fire connection	
4300 gallons of water storage required	
<input checked="" type="checkbox"/> Automatic Fill	
<input checked="" type="checkbox"/> Sight gage	
<input checked="" type="checkbox"/> Venting System	
<input checked="" type="checkbox"/> Minimum 4-inch plumbing schedule 40 PVC or iron pipe	
<input checked="" type="checkbox"/> System gravity drain	
<input checked="" type="checkbox"/> Fire connection located on the approach to the structures	
<input checked="" type="checkbox"/> Fire connection must be located not less than 50 feet, no more than 150 feet from the structure	
<input checked="" type="checkbox"/> Fire connection is within 8-feet of the driveway and 24 inches above grade	
<input checked="" type="checkbox"/> Fire connection outlet valve must be a 2-1/2" brass National Standard male thread with cap. The outlet must face toward the driveway	
<input checked="" type="checkbox"/> If fire connection has less than 20 psi, then the word "DRAFT" will be clearly and permanently marked on the fire connection	
<input checked="" type="checkbox"/> Blue dot reflector located near fire connection	
<input type="checkbox"/> A fire hydrant is required that can deliver gallons per minute for 2 hours.	
<input type="checkbox"/> Two 2 1/2" outlets and one 4" outlet with National Standard threads	
<input type="checkbox"/> Within 8 feet of the roadway	
<input type="checkbox"/> Blue dot reflector on roadway just off center on the side of the hydrant	
<input type="checkbox"/> Located within 250 feet of the residence	

<input checked="" type="checkbox"/> 18- foot access road required	
<input checked="" type="checkbox"/> All weather surface	
<input checked="" type="checkbox"/> 10 foot fuel modification on both sides of road	
<input checked="" type="checkbox"/> Where exceeds 12% grade must be nonskid surface	
<input checked="" type="checkbox"/> Exceeds 16% must be certified by an engineer	
<input checked="" type="checkbox"/> Road must be named using the County standard signage	
<input checked="" type="checkbox"/> Driveway must be 16 feet wide	
<input checked="" type="checkbox"/> All weather surface capable of supporting 20 tons	
<input checked="" type="checkbox"/> Where exceeds 12% grade must be nonskid surface	
<input checked="" type="checkbox"/> Exceeds 16% must be certified by an engineer	
<input checked="" type="checkbox"/> 10 foot fuel modification on both sides of the road	
<input checked="" type="checkbox"/> Fire engine turnaround required within 50 feet of residence	
<input checked="" type="checkbox"/> Driveways exceeding 150 feet require a turnout(s) at midpoint and no more than 400 feet apart	
<input type="checkbox"/> Bridge is required to support a fire engine 20 tons	
<input type="checkbox"/> Bridge must have a sign indicating load limits	
<input checked="" type="checkbox"/> 100 feet of fuel modification is required for defensible space	
<input checked="" type="checkbox"/> Remove limbs located within 10 feet of chimney	
<input checked="" type="checkbox"/> A Class A non combustibile roof is required	
<input checked="" type="checkbox"/> Highly visible permanent address numbers shall be placed at the driveway entrance (minimum 3" letters height, 3/8 inch stroke).	
<input checked="" type="checkbox"/> Highly visible address numbers shall be placed on the residence(s) (minimum 3" letters height, 3/8 inch stroke).	
<input checked="" type="checkbox"/> Smoke detectors are required in all sleeping areas	
Other Requirements:	

When the safety requirements have been completed, call the Fire Prevention Bureau at 543-4244 ext. 2220 and arrange for a final inspection.

 Clint Bullard
Clint Bullard, Fire Inspector

SF

6



SAN LUIS OBISPO COUNTY DEPARTMENT OF PLANNING AND BUILDING

VICTOR HOLANDA, AICP
DIRECTOR

THIS IS A NEW PROJECT REFERENCE

DATE:

10/18/04

TO:

City of A.G.

FROM:

South Co. Team

(Please direct response to the above)

RECEIVED
OCT 20 2004
CITY OF ARROYO GRANDE
COMMUNITY DEVELOPMENT DEPT.

O'HAGAN

DRC 2004-00085

Project Name and Number

Development Review Section (Phone: 781-788-2009)

PROJECT DESCRIPTION: 1143 SF "Granny-Unit" w/ shop /
hobby area & attached 3-car garage. Located in
Arroyo Grande off Vista Grande Lane APN-
044-353-020 4.41 Acres

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11/2/04

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(Please go on to Part III)

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Second dwellings are an exception to City/County MOU for 1 du/2.5ac in RS or 1 du/5ac in RR in A.G. Fringe. While City is not opposed to this second unit request, we feel it clearly states dependence on community services from City fire (and police) and will impact City traffic. City asks that our fire & traffic fees be paid as well as County.

October 21, 2004

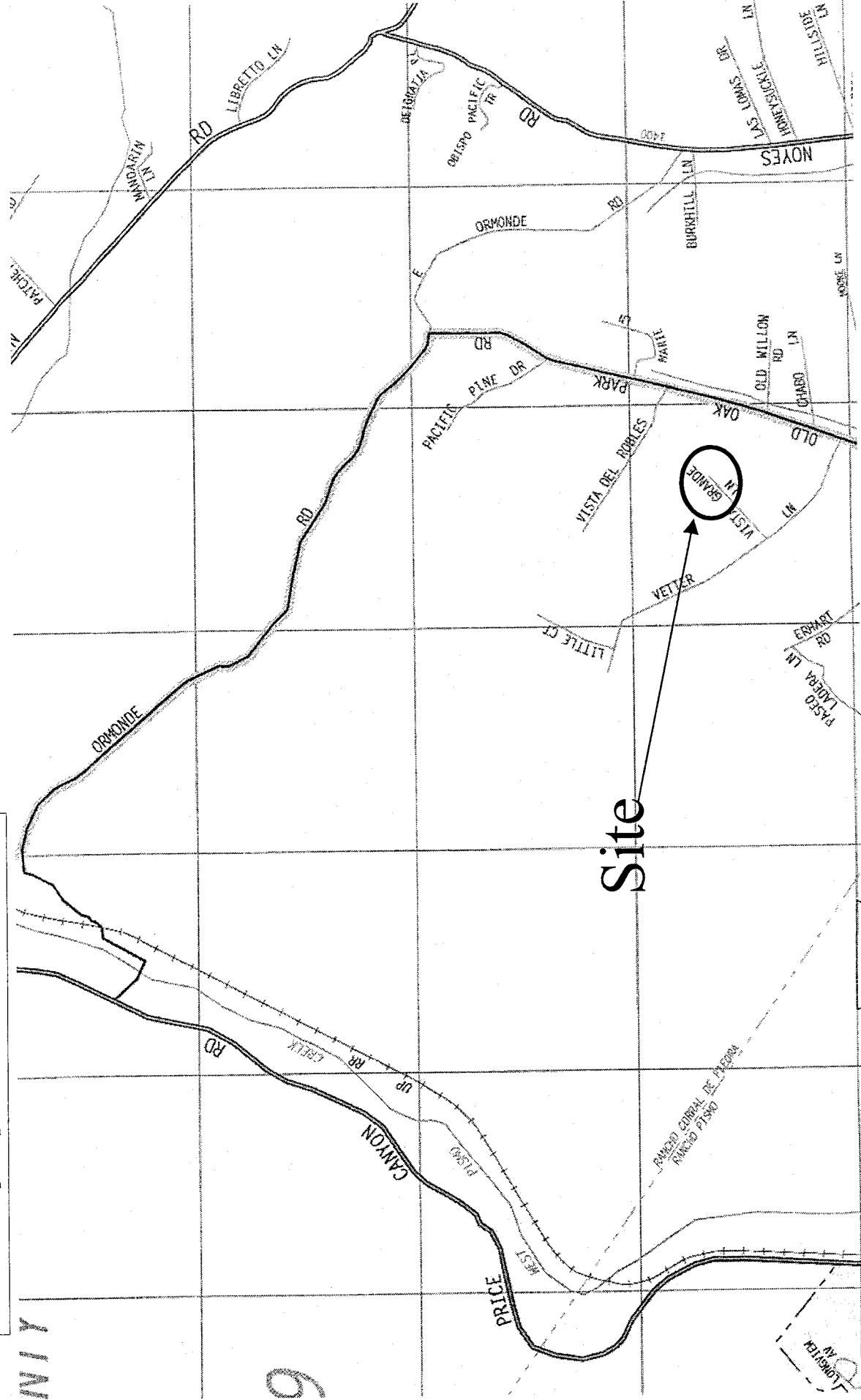
Date

Rob Strong, Director of Comm. Dev.
City of Arroyo Grande

Name

4735420
Phone

CC 36 MAP

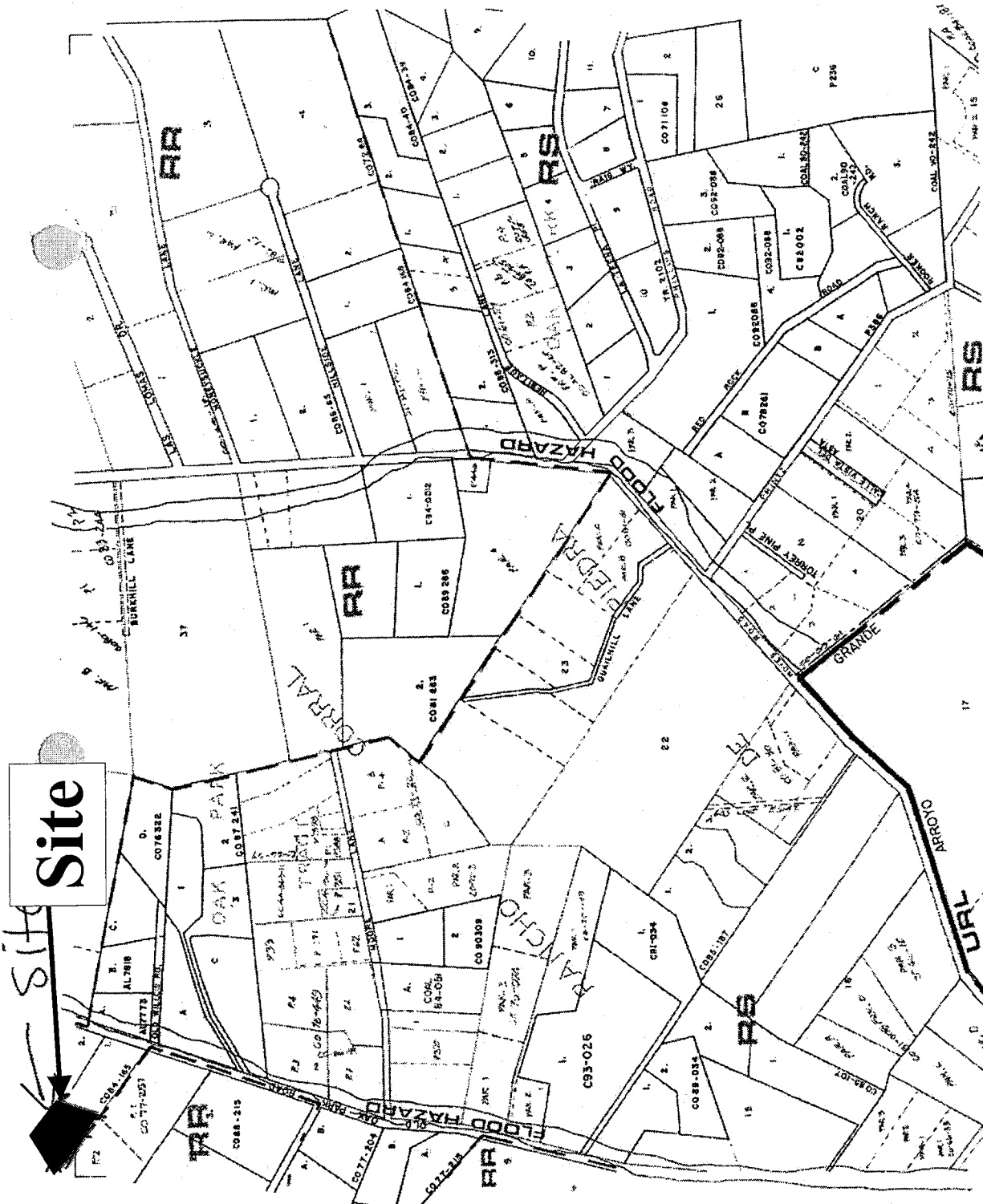


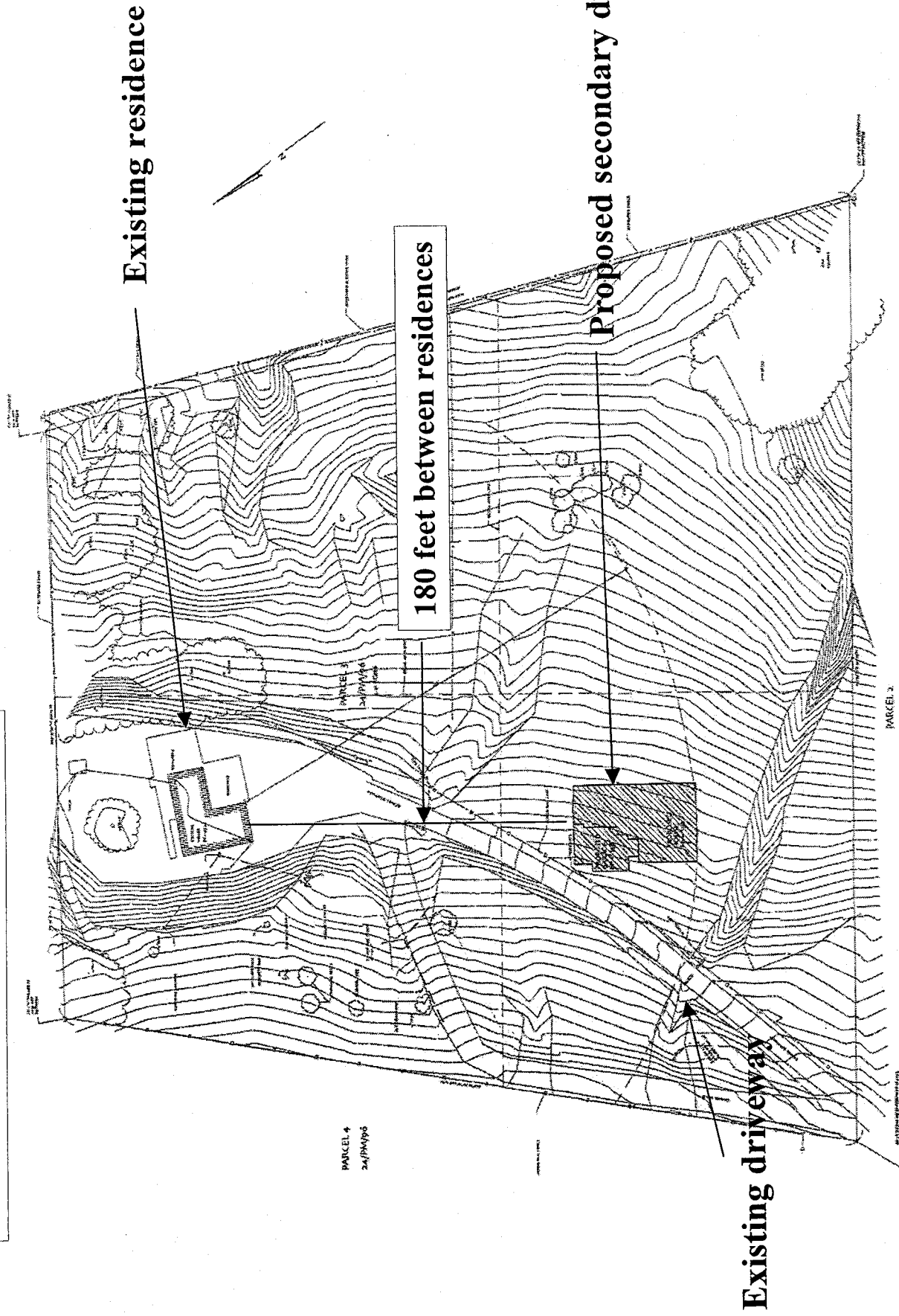
Exhibit

VICINITY MAP



Project
O'Hagan Minor Use Permit
DRC 2004-00085





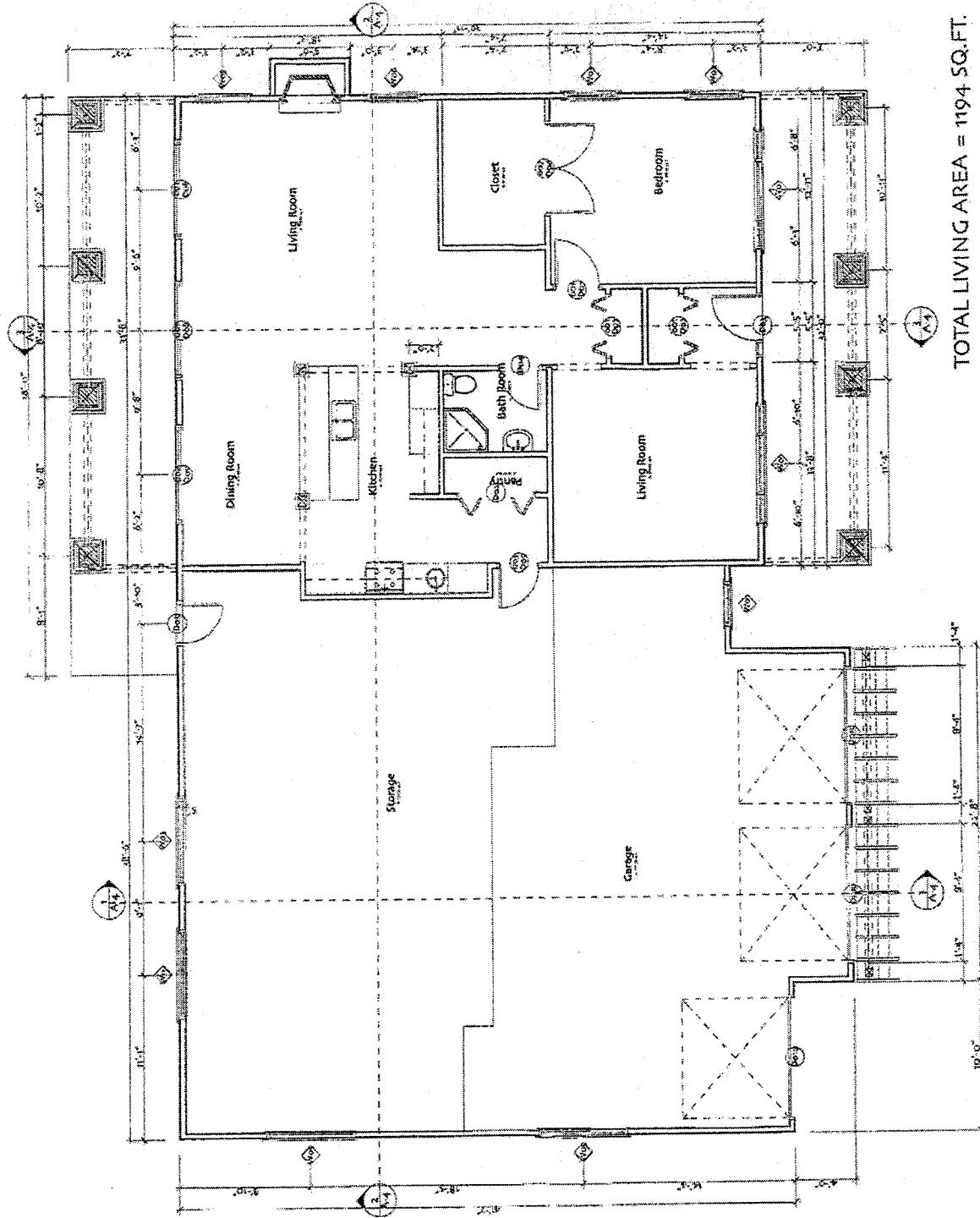
Project

O'Hagan Minor Use Permit
DRC 2004-00085



Exhibit

Site Plan



Project

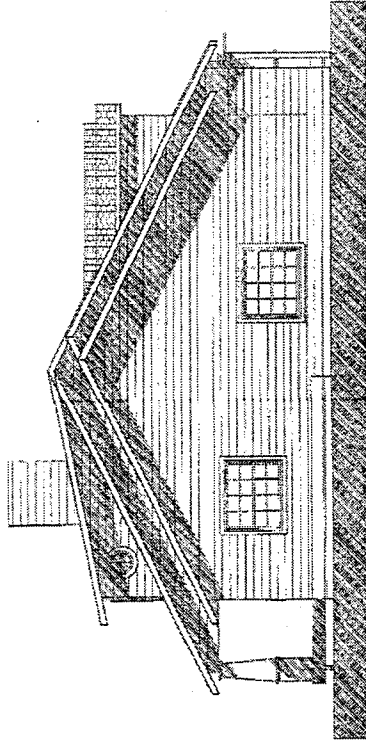
O'Hagan Minor Use Permit

DRC 2004-00085

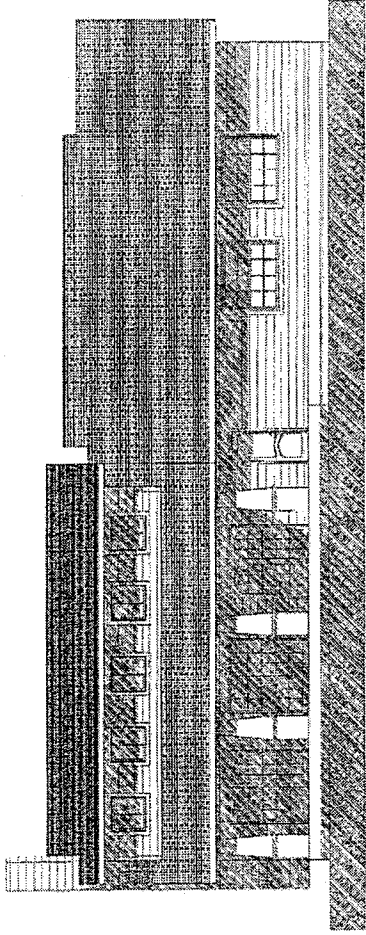


Exhibit

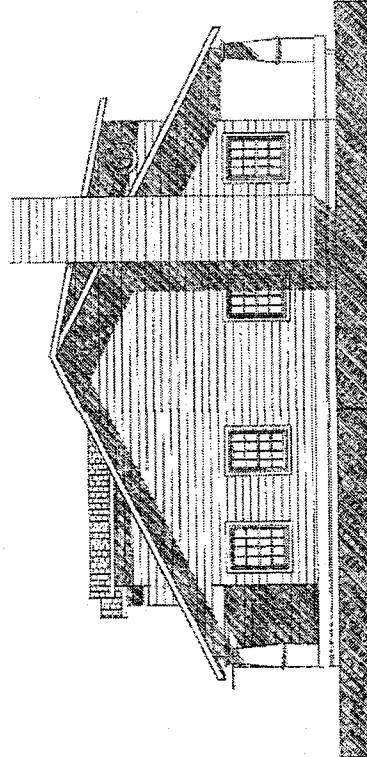
Floor Plan



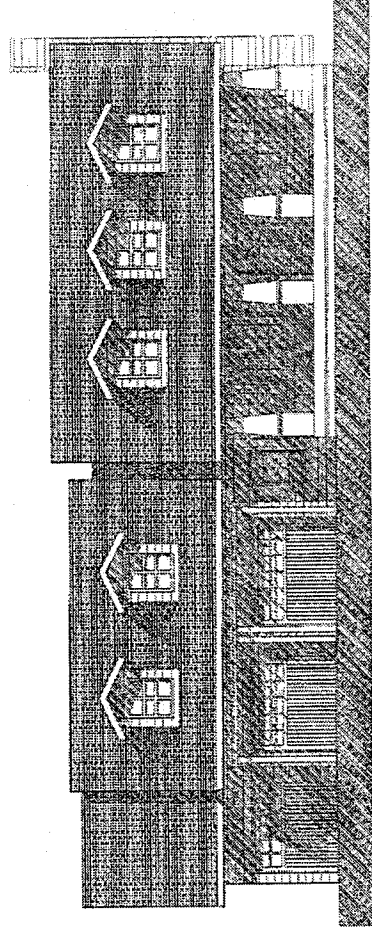
3 LEFT ELEVATION
SCALE: 1" = 16'-0"



4 REAR ELEVATION
SCALE: 1" = 16'-0"



2 RIGHT ELEVATION
SCALE: 1" = 16'-0"



1 FRONT ELEVATION
SCALE: 1" = 16'-0"

Project

O'Hagan Minor Use Permit

DRC 2004-00085



Exhibit

Elevations